

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2054. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "OMB Sequestration Update Report to the President and Congress for the Current Fiscal Year"; to the Special Committee on Aging; Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; the Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Select Committee on Ethics; Finance; Foreign Relations; Health, Education, Labor, and Pensions; Homeland Security and Governmental Affairs; Indian Affairs; Select Committee on Intelligence; Joint Committee on Taxation; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans' Affairs.

EC-2055. A communication from the Assistant Director of Congressional Affairs, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the first semi-annual report of fiscal year 2020 of the Department of Justice's Office of Privacy and Civil Liberties; to the Committees on Homeland Security and Governmental Affairs; Select Committee on Intelligence; and the Judiciary.

EC-2056. A communication from the Chair of the Federal Acquisition Security Council, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Security Council Rule" received in the Office of the President of the Senate on September 13, 2021; to the Committees on Appropriations; Armed Services; Homeland Security and Governmental Affairs; Select Committee on Intelligence; the Judiciary; and Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-76. A resolution adopted by the Legislature of the State of Nebraska urging the United States Air Force to reestablish the United States Space Command headquarters at Offutt Air Force Base near Omaha, Nebraska; to the Committee on Armed Services.

LEGISLATIVE RESOLUTION NO. 1

Whereas, the Department of Defense recently reestablished the United States Space Command as the eleventh unified combatant command of the Armed Forces; and

Whereas, the United States Air Force requested that state and community leaders nominate military locations to host the United States Space Command headquarters; and

Whereas, the city of Bellevue, Nebraska, on behalf of community, state, and regional leaders and officials and in conjunction with support from local military leaders, nominated Offutt Air Force Base to be the location for the United States Space Command headquarters; and

Whereas, Nebraska Governor Pete Ricketts endorsed the application recommending Offutt Air Force Base for the honor of becoming the permanent host for the United States Space Command headquarters; and

Whereas, Offutt Air Force Base and the neighbouring Bellevue and Omaha commu-

nities received top scores on the basing criteria established by the United States Air Force including: proximity to mutually supporting space entities; an available qualified workforce; infrastructure and facility capacity; high bandwidth communications infrastructure; enhanced security; energy resilience; cost efficiencies; and community support; and

Whereas, Offutt Air Force Base is among six sites being considered by the Air Force to host the United States Space Command headquarters; and

Whereas, Offutt Air Force Base is the home for global missions of national consequence, the joint, interagency, coalition, Guard, and Reserve presence would complement the needs of the United States Space Command; and

Whereas, several Offutt Air Force Base units of interest include the 55th Wing, which provides dominant worldwide reconnaissance, real-time intelligence, command and control, and information warfare; the 595th Command and Control Group supporting strategic nuclear deterrence; the Air Force's only weather wing; and the newly formed Marine Corps Forces Space Command; and

Whereas, the largest tenant on Offutt Air Force Base is a global warfighting combatant command, the United States Strategic Command, which has a mission set that combines the United States legacy nuclear command and control mission with responsibility for space operations, global strike, and global missile defense to deter strategic attacks and employ forces, as directed, to guarantee the security of our nation and our allies; and

Whereas, the United States Strategic Command oversees and manages the Nuclear Command, Control, and Communications Enterprise Center; and the United States Space Command is a key member of the Nuclear Command, Control, and Communications Enterprise Stakeholder Council; and

Whereas, for seventeen years, from 2002 to 2019, America's military space mission headquartered at Offutt Air Force Base as part of the United States Strategic Command mission set; and

Whereas, the history of hosting the United States Strategic Command and units that mutually support joint combatant commands serves as an excellent foundation for Offutt Air Force Base to create additional synergies and efficiencies; and

Whereas, community support for military missions; the military men, women, and families living and working at Offutt Air Force Base; and veterans living in the surrounding communities began in the 1940s and support for these groups remains unsurpassed to this day; and

Whereas, creative public-private partnerships executed in the Omaha metropolitan area by economic leaders are some of the largest and most relationship with the Department of Defense's Military Community and Family Policy office in a constant effort to create laws that support the military personnel stationed at Offutt Air Force Base and their families; and

Whereas, the Bellevue and Omaha communities would welcome the additional military and civilian personnel, contractors, and families associated with the United States Space Command; and

Whereas, basing the headquarters at Offutt Air Force Base would enhance the economy of the region by adding approximately one thousand four hundred new jobs; and

Whereas, reestablishing the United States Space Command headquarters at Offutt Air Force Base would require military construction improvements, which would create construction and other support jobs, further in-

creasing the economic benefit to the region; and

Whereas, there is widespread bipartisan support for hosting the United States Space Command Headquarters from federal, state, and community leaders who recognize the importance of returning the space mission to Offutt Air Force Base; and

Whereas, the space mission is vital to our Nation's security, prosperity, and scientific advancement; Now, therefore, be it

Resolved by the members of the One Hundred Seventh Legislature of Nebraska, First Session:

1. That the Nebraska Legislature does hereby express enthusiastic support for the United States Air Force to reestablish the United States Space Command headquarters at Offutt Air Force Base near Omaha, Nebraska.

2. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, each member of Nebraska's congressional delegation, the Secretary of the Air Force, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense.

POM-77. A joint resolution adopted by the Legislature of the State of Alaska urging the federal government to adopt the SAFE Banking Act of 2019, sec. 110606 of the Heroes Act, or similar legislation relating to cannabis-related legitimate businesses' access to financial services; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION NO. 14

Whereas, on November 4, 2014, residents of the state voted to legalize cannabis, approving Ballot Measure No. 2, "An Act to tax and regulate the production, sale, and use of marijuana"; and

Whereas the state has prioritized the federal cannabis enforcement objectives identified in the August 29, 2013, memorandum from the United States Department of Justice to all United States Attorneys, including preventing the distribution of cannabis to minors, preventing revenue from the sale of cannabis from going to criminal enterprises, gangs, and cartels, preventing the diversion of cannabis from states where cannabis is legal in some form under state law to other states, preventing state-authorized cannabis activity from being used as a pretext for the trafficking of illegal drugs or other illegal activity, preventing violence and the use of firearms in the cultivation and distribution of cannabis, preventing drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use, preventing the growing of cannabis on public land and the attendant public safety and environmental dangers posed by cannabis production on public land, and preventing cannabis possession or use on federal property; and

Whereas the state has implemented regulations that respect and support the federal priorities listed in the August 29, 2013, memorandum from the United States Department of Justice; and

Whereas, on January 16, 2018, Alaska Attorney General Jahnna Lindemuth and the attorneys general of 18 other states, districts, and territories sent a letter urging the United States Congress to advance legislation allowing states that have legalized medical or recreational use of cannabis to bring legal cannabis-related commerce into the banking system; and

Whereas, on January 18, 2018, United States Senators Lisa Murkowski and Dan Sullivan joined 14 other senators from around the country in submitting a letter to

the Director of the United States Department of the Treasury's Financial Crimes Enforcement Network expressing continuing support for 2014 Financial Crimes Enforcement Network guidance on Bank Secrecy Act expectations regarding cannabis-related businesses; and

Whereas, on March 7, 2019, after meeting with industry stakeholders in Alaska, United States Congressman Don Young, Co-Chair of the Congressional Cannabis Caucus, signed on as a cosponsor of H.R. 1595, the Secure and Fair Enforcement Banking Act of 2019, also referred to as the SAFE Banking Act of 2019; and

Whereas, on May 8, 2019, Alaska Attorney General Kevin G. Clarkson and the attorneys general of 37 other states, districts, and territories sent a letter urging the United States Congress to advance legislation allowing states that have legalized medical or adult use of cannabis to bring legal cannabis-related commerce into the banking system; and

Whereas, on September 25, 2019, United States Congressman Don Young voted with a bipartisan majority in the United States House of Representatives, passing the SAFE Banking Act of 2019 and clearing the Act for consideration in the Senate; and

Whereas the SAFE Banking Act of 2019 was inserted into sec. 110606 of H.R. 6800, referred to as the Heroes Act, which, on May 15, 2020, was passed by a bipartisan majority in the United States House of Representatives; and

Whereas sec. 1(b) of the SAFE Banking Act of 2019 and sec. 110606(a)(2) of the Heroes Act explain that the purpose of each is "to increase public safety by ensuring access to financial services to cannabis-related legitimate businesses and service providers and reducing the amount of cash at such businesses"; and

Whereas the SAFE Banking Act of 2019 and the Heroes Act provide, among other protections, a safe harbor for depository institutions for providing financial services to a cannabis-related legitimate business or service provider; and

Whereas the SAFE Banking Act of 2019 and the Heroes Act provide that "[f]or the purposes of sections 1956 and 1957 [money laundering] of title 18, United States Code, and all other provisions of Federal law, the proceeds from a transaction involving activities of a cannabis-related legitimate business or service provider shall not be considered proceeds from an unlawful activity solely because . . . the transaction involves proceeds from a cannabis-related legitimate business or service provider"; and

Whereas the SAFE Banking Act of 2019 and the Heroes Act provide that depository institutions or insurers that provide financial services to cannabis-related legitimate businesses or service providers and the officers, directors, and employees of depository institutions or insurers may not be held liable under any federal law or regulation solely for providing the financial service or for further investing any income derived from the financial services; and

Whereas the SAFE Banking Act of 2019 and the Heroes Act do not endorse any state's, district's, or territory's specific approach to the legalization of cannabis-related transactions and in no way endorse the legalization of medical or retail cannabis in jurisdictions that choose: not to legalize medical or retail cannabis; and

Whereas without federal legislation allowing states that have legalized medical or adult use of cannabis to bring legal cannabis-related commerce into the banking system, the tracking of revenue for taxation and regulatory compliance purposes is more difficult; and WHEREAS the inability to properly track the billions of dollars in legal can-

nabis-related sale proceeds compromises the safety and soundness of the nation's financial system by allowing the unmonitored entry of illicit funds into the financial system; and

Whereas the threat to public safety increases with cash-intensive businesses because cash-intensive businesses are often the targets of criminal activity; and

Whereas the cannabis industry continues to grow rapidly; with analysts estimating the current industry value at \$8,300,000,000, projected to increase to \$25,000,000,000 by 2025; and

Whereas, regardless of policy views on states' permitting the medical or adult use of cannabis, the current situation necessitates federal rules that provide for bringing legal cannabis-related commerce into the banking system;

Be it Resolved that the Alaska State Legislature urges the federal government to adopt the SAFE Banking Act of 2019, sec. 110606 of the Heroes Act, or similar legislation that would provide a safe harbor for depository institutions that provide financial products or services to legal cannabis-related businesses—service providers in states that have implemented laws and regulations legalizing cannabis for medical or adult use.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 117th United States Congress.

POM-78. A resolution adopted by the Senate of the State of Michigan memorializing its support for the people of Cuba, and urging the President of the United States and the United States government to take action to protect the basic human rights of the Cuban people; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 78

Whereas, Communist Miguel Díaz-Canel rose to power in Cuba in 2018 and continues to follow the failed policies of Fidel and Raúl Castro. President Díaz-Canel's ascension has coincided with an economic crisis that led to a heavy-handed and nonsensical shutdown of the state-run communication system and purposeful electricity outages; and

Whereas, The Cuban people lack the freedom to be in charge of their own destiny and future as a result of the systemic and continued repression they face at the hands of the Díaz-Canel regime; and

Whereas, A historic and remarkable gathering of protests is occurring in Cuba, where everyday Cubans are courageously demanding democracy, liberty, economic security, food, and basic medical necessities. Liberty in Cuba is defined as not only economic liberty, but also civil liberties. This includes the right to vote, liberty of conscience, and the right to self-determination. At the heart of these protests is the will of Cuban people to be in charge of their own destiny; and

Whereas, Without democracy and free elections, the welfare of the Cuban people will continue to be structurally burdened and protests will continue. As the Communist regime continues to deprive the people of Cuba of peaceful means to improve their lives, everyday Cubans will continue to risk their lives and well-being to protest openly to demand immediate change; and

Whereas, Michigan is a state that values our best aspirational American ideals of liberty, tolerance, and freedom. These are the ideals and values that Cubans march for today. The people of Michigan support the right of the people of Cuba to peacefully pro-

test to secure basic civil liberties, and stand with the people of Cuba in support of their quest for democracy, liberty, and freedom; now, therefore, be it

Resolved by the Senate, That we declare support for the people of Cuba in their fight against a destructive Communist regime and urge the United States government and the Biden Administration to take action to protect the basic human rights of the Cuban people; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

POM-79. A concurrent memorial adopted by the Legislature of the State of Arizona urging the Secretary of the Department of the Interior to immediately take all necessary measures to fulfill its obligations to provide for Colorado River augmentation and conservation; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL NO. 2003

Whereas, the United States Congress stated in the Colorado River Basin Project Act that the satisfaction of the requirements of the Mexican Water Treaty constitutes a national obligation; and

Whereas, under a treaty agreement entered into in 1973, the United States is required to ensure that water delivered to Mexico as part of Mexico's allocation of Colorado River water meets certain water quality standards; and

Whereas, the Colorado River system is in its twenty-first consecutive year of drought; and

Whereas, as a result of these drought conditions, the United States Department of the Interior is projecting that a shortage on the Colorado River is increasingly likely; and

Whereas, in the lower basin drought contingency plan agreement, the United States, through the Secretary of the Interior, committed to take affirmative actions to implement lower basin programs designed to create or conserve 100,000 acre-feet or more per year of Colorado River system water to contribute to the conservation of water supplies in Lake Mead or other Colorado River reservoirs in the lower basin; and

Whereas, the Central Arizona Project would bear the largest reduction of Colorado River water in times of shortage; and

Whereas, by abdicating its obligation to operate the Yuma Desalting Plant, or a suitable alternative the federal government has caused the loss of more than 1,800,000 acre-feet from Lake Mead; and

Whereas, if the federal government were to conserve 100,000 acre-feet per year, it would be equivalent to the water needed to supply more than 330,000 Arizona homes with water annually.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Secretary of the United States Department of the Interior immediately take all necessary measures to fulfill its obligations to provide for Colorado River water augmentation and conservation.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Secretary of the United States Department of the Interior, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-80. A concurrent resolution adopted by the Legislature of the State of Arizona

commending the agents of the United States Border Patrol; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 2029

Whereas, the southern border consists of 1,993 miles of varied terrain, including deserts, rugged mountainous areas, forests and coastal areas; and

Whereas, officially established in 1924 by an act of Congress in response to increasing illegal immigration, the United States Border Patrol has primary responsibility for securing the border between ports of entry; and

Whereas, Border Patrol agents patrol international land borders and waterways to detect and prevent the illegal trafficking of people, narcotics and contraband into the United States; and

Whereas, the southern border of the United States is experiencing unprecedented numbers of individuals attempting to enter the country illegally; and

Whereas, in June 2019, over 100,000 individuals were apprehended at the southern border, which is an increase of more than 140% as compared to June 2018; and

Whereas, the Border Patrol establishes and maintains partnerships with local, state, federal, tribal and international law enforcement partners, as well as local ranchers and other private citizens who own much of the land along the southwest border; and

Whereas, Border Patrol agents work in dynamic environments with multiple and varied threats that are constantly changing and evolving; and

Whereas, Border Patrol agents responded admirably to the COVID-19 pandemic, efficiently implementing the resulting new policies and procedures to ensure the safety of the public; and

Whereas, the Border Patrol protects the United States against terrorists and instruments of terror; and

Whereas, created in 2003, the United States Immigration and Customs Enforcement (ICE) conducts transnational criminal investigations to identify and interdict myriad smuggling and cross-border illegal activity. The work of ICE is critical to enforcing immigration law against people who present a threat to national security, are a danger to public safety or undermine the integrity of the immigration system; and

Whereas, demonstrating courage and valor in protecting our nation, Border Patrol agents serve the American people with vigilance, integrity and professionalism: Now therefore, be it

Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the Members of the Legislature commend the courage, dedication and sacrifice of the men and women of the United States Border Patrol and recognize the vital role they play in safeguarding our state and nation.

2. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States and each Member of Congress from the State of Arizona.

POM-81. A joint resolution adopted by the Legislature of the State of Alaska urging the United States Congress to exempt cruise ships from certain provisions of the Passenger Vessel Services Act and other applicable provisions of federal law for the period during which Canadian ports are closed to cruise ships carrying more than 100 people; and urging the President of the United States not to fine or take actions against cruise ships sailing to the state; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 9

Whereas, more than 2,260,000 visitors traveled to the state in 2019; and

Whereas, in 2019, approximately 1,331,600 people visited the state by cruise ship, accounting for 90 percent of the visitors to Southeast Alaska; and

Whereas, each year, the tourism industry generates more than \$214,000,000 in state and municipal revenue, more than \$1,400,000,000 in payroll, and \$2,200,000,000 of visitor spending; and

Whereas, on average, the tourism industry creates 8,394 jobs annually, generating \$271,600,000 in wages and earnings for Southeast Alaska each year; and

Whereas, in 2020, the diminished tourism season resulting from the COVID-19 pandemic contributed to an increase in statewide unemployment from 6.2 percent to 11.0 percent; Southeast Alaska, unemployment increased from 4.7 percent to 11.3 percent, which equates to a loss of 17 percent of all jobs in the region; and

Whereas, state residents are being vaccinated against COVID-19 at the highest rate per capita in the country, with 15 percent of state residents having been vaccinated; and

Whereas, on October 30, 2020, the Centers for Disease Control and Prevention issued a Framework for Conditional Sailing Order, which allows cruise ships to resume sailing with mitigation plans for crews, passengers, and people in port communities and includes requirements for increased testing, additional crew safeguards, simulated voyages, and certification of mitigation plans; and

Whereas, on February 4, 2021, Canada extended until February 22 a ban preventing cruise ships carrying more than 100 people from sailing through Canadian waters; and

Whereas, 46 U.S.C. 55103 (Passenger Vessel Services Act) requires that certain passenger vessels that sail from United States ports must visit a foreign port before returning to a port in the United States; and

Whereas, an exemption of cruise ships from the requirement of visiting a foreign port would help mitigate continued job and revenue loss and provide relief to an industry with an economic impact that spans across every region of the state and employs people from Ketchikan to Nome; and

Whereas, other federal laws may interfere with the ability of certain ships to hire and retain crews on routes to the state that do not include a stop in Canada; and

Whereas, small business owners, families, and young people in the state depend on tourism jobs for their livelihoods, and a missed cruise season could cause irreparable economic harm;

Be it resolved, that the Alaska State Legislature urges the United States Congress to exempt certain cruise ships sailing to the state from provisions of the Passenger Vessel Services Act and other federal laws that require cruise ships to stop at a Canadian or other foreign port in order to operate in the state for the period during which Canadian ports are closed to cruise ships carrying more than 100 people; and be it

Further resolved, that, if the United States Congress does not exempt cruise ships from the requirements of the Passenger Vessel Services Act and any other applicable provisions of federal law, the Alaska State Legislature urges the President of the United States, to the extent allowed by law, to exercise his authority to allow cruise ships to travel directly on round-trip itineraries to and from ports in the State of Washington and this state while Canadian ports are closed to cruise ships.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Kamala D.

Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 117th United States Congress.

POM-82. A resolution adopted by the Commission of the City of Coral Gables, Florida urging the United States Congress to enact the Energy Innovation and Carbon Dividend Act; to the Committee on Finance.

POM-83. A resolution adopted by the Board of Supervisors of Wyoming County, New York memorializing its opposition to the enactment of laws that place unreasonable liability exposure on the backs of legitimate manufacturers or "gun industry members"; to the Committee on the Judiciary.

POM-84. A petition from a citizen of the State of Texas relative to access to federal court documents; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. STABENOW for the Committee on Agriculture, Nutrition, and Forestry.

*Homer L. Wilkes, of Mississippi, to be Under Secretary of Agriculture for Natural Resources and Environment.

By Mr. DURBIN for the Committee on the Judiciary.

Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Patricia Tolliver Giles, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Michael S. Nachmanoff, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Sarala Vidya Nagala, of Connecticut, to be United States District Judge for the District of Connecticut.

Omar Antonio Williams, of Connecticut, to be United States District Judge for the District of Connecticut.

Hampton Y. Dellinger, of North Carolina, to be an Assistant Attorney General.

Matthew M. Graves, of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Erek L. Barron, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Nicholas W. Brown, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Clifford D. Johnson, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Zachary A. Myers, of Maryland, to be United States Attorney for the Southern District of Indiana for the term of four years.

Trini E. Ross, of New York, to be United States Attorney for the Western District of New York for the term of four years.

Vanessa Waldref, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.